

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2865 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NATVARLAL S PARMAR

Versus

DIRECTOR, SOCIAL DEFENCE DEPARTMENT

Appearance:

MR NR SHAHANI for Petitioners

MRS SIDDHI TALATI for Respondents No.1 and 3

MR MUKUND M DESAI for Respondent No.2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/09/97

ORAL JUDGEMENT

1. The petitioners, four in number, filed this special civil application against the respondents and prayer has been made therein for quashing and setting aside of the letter dated 14th March, 1985, annexure 'A'.

2. The facts of the case, in brief, are that the petitioner No.1 was appointed as Watchman, the petitioner No.2 as sweeper while the petitioners No.3 and 4 were

appointed as Attendants with the respondent No.2, Apang Manav Mandal, Ahmedabad. All the petitioners were appointed on 1st December 1982. The case of the petitioners is that they have been appointed after their names have been forwarded from Employment Exchange and were interviewed on or around 22nd June, 1984. So the petitioners are contending that they have been given the regular appointment. Under the letter annexure 'A' which is in fact the order of termination, the services of the petitioners No.3 and 4 were extended upto 31st May, 1985 and the services of the petitioners No.1 and 2 were extended upto 30th April, 1985.

3. None of the respondents have filed reply to this special civil application.

4. It is not in dispute that the services of the petitioner No.4 have been regularised and he has been now working in the cadre of Clerk from August, 1996. So the counsel for the petitioners submit that to the extent of petitioner No.4 this special civil application has become infructuous. Order accordingly. So far as the petitioners No. 1, 2 and 3 are concerned, their services were terminated under the order annexure 'A', but therein no reasons have been given out. When the petitioners were appointed after their names have been forwarded from the Employment Exchange and they have been interviewed, then before passing of the order of termination of their services, at least the principles of natural justice have to be followed, but that has not been done. The petitioners have challenged this order of termination of their services on manifold grounds, but where their services were not temporary and it cannot be said to be a back-door entry then before dispensing with their services at least they should have been assigned the reasons and an opportunity of hearing has to be given. Moreover, the petitioners are working since 1982 and by the time the order annexure 'A' had been passed they had completed more than two and half years' services. The petitioners have approached to this Court and they have been protected by grant of interim relief. So the total working of the petitioners by now is of about 14 years.

5. Taking into consideration the totality of the facts of this case, this special civil application is allowed and the order annexure 'A' dated 14th March, 1985 is quashed and set aside. Rule is made absolute. The petitioners have unnecessarily been dragged into litigation by the respondent No.1. Annexure 'A' is the order of respondent No.1. So the respondent No.1 is directed to pay to the petitioners Rs.2000/- by way of

costs of this petition.

zgs/-